



State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-3503 FAX (603) 271-5171



February 13, 2004

**LETTER OF DEFICIENCY #WSEB 04-015**  
**CERTIFIED MAIL 7000 0600 0023 9932 6641**

Alan Karahalidis  
South Bay Resort  
5 Rawding Road  
Peabody, MA 01960

Subject Tilton - Public Water System: South Bay Resort (EPA #2357070)

Dear Mr. Karahalidis

The records of the Department of Environmental Services (DES) show that the South Bay Resort water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people, for 60 or more days per year. As such, the water system owner is required to submit samples to the State laboratory or a State-certified laboratory for coliform bacteria analysis in compliance with NH Admin. Rule Env-Ws 325.

DES records show that the subject water system failed to submit bacteria samples and as a result a Monitoring/Report (M/R) violations were issued for the months of **April 2003 and July 2003**. Copies of Notices of Violation (NOV) dated June 3, 2003, and August 28, 2003, are enclosed.

Pursuant to Env-Ws 351, owners of public water systems are required to issue public notification when a system has failed to monitor for bacteriological water quality. As a result of the failure to perform public notification for the **April 2003 and July 2003 M/R violations**, NOV's dated July 29, 2003, and November 20, 2003, were sent to you (copies enclosed). The NOV's requested that you issue public notification within 30 days of learning of the M/R violation and submit copies to DES immediately. To date, no proofs of public notice have been received by DES, thus placing the water system in violation of Env-Ws 351.01.

In view of the public notice violation, DES believes the deficiencies can be corrected, and future violations prevented, by taking the following actions:

- 1 **By February 27, 2004** carry out the public notice requirements for the April 2003 and July 2003 sampling violations; and
- 2 **By March 12, 2004**, provide proof of public notice to DES.

Letter of Deficiency #WSEB 04-015  
South Bay Resort  
February 13, 2004  
Page 2 of 2

**If you have already done the public notice, then please forward it Barbara Thoits at the address listed on the form immediately.**

In the event compliance is not achieved within the above set forth time period, DES may take further enforcement action, including issuing an order requiring the deficiencies be corrected, initiating an administrative fine proceeding and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

Please continue to submit water samples according to the water system's Master Sampling Schedule enclosed.

Please contact Anne Bailey by phone at (603) 271-0672 or by e-mail at [abailey@des.state.nh.us](mailto:abailey@des.state.nh.us) if you have any questions regarding this letter.

Sincerely,

**COPY**

Rene Pelletier, P.G., Manager  
Land Resource Programs

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Enclosures: M/R Notices of Violation dated June 3, 2003 and August 28, 2003  
P/N Notices of Violation dated July 29, 2003 and November 20, 2003  
Master Sampling Schedule  
Bacteria M/R Public Notice Form

Gretchen Rule, DES Legal Unit  
Town of Tilton Health Officer  
Richard O'Connell, Primary Operator/Sampling Agent (w/enclosures)  
EPA, Region 1